

Assault on editorial independence

## Assault on editorial independence: improprieties of the Canadian Medical Association

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The violation of editorial independence by the CMA seriously damaged trust in CMAJ and raises questions whether the CMA can operate a truly independent journal

On February 20, 2006, John Hoey and Anne Marie Todkill, the two most senior editors of the Canadian Medical Association Journal (CMAJ) were fired by the journal's publisher, Graham Morris. At first, CMA spokespersons said that the firing had been planned for some time based on a desire to "refresh" the journal. Later they refused to offer any explanation, and weeks later they declared that there had been "irreconcilable differences," without specifying anything more. After the journal's editorial board tried fruitlessly to convince the Canadian Medical Association (CMA) to reinstate the dismissed editors, I resigned from the editorial board. I had been a member (the only American) since 1999. My letter of resignation to the CMA's president made these points:

"By interfering with the editorial autonomy of two outstanding editors and firing them without explanation, you have provoked a scandal that will be long remembered as a blot on Canadian Medicine. ... Despite the acknowledged success of the CMAJ, you gave no cause for the editors' dismissals. ... You caused the editors to be fired without consultation with major members of the Journal Oversight Committee. ... In your public comments, you were even disingenuous about whether the editors were fired. ... In answering to the issue of the editors' departure, you have hidden behind a veil of bureaucratic legalisms, and by arguing that the Editorial Board knows only "one side," you have left the impression that the editors have done something nefarious. Thereby, you have besmirched the good names and reputations of the editors. ... You have mounted a PR campaign to "spin" public opinion at the expense

of honest, respectable and hard working CMAJ editors. ... You have cynically made minimalist concessions in response to Editorial Board criticisms in the apparent hope of eliminating the opposition and quieting the controversy. ... You put a gag order on all of the editors, depriving the public of any insight into the real reasons for the editors' dismissal. In all of your responses, you have displayed profound disdain for transparency. ... You have cynically hired as an acting editor and the chair of the Journal Oversight Committee two former members of the very committee that refused to act on a resolution to protect the editorial autonomy of the editors. ... You have asked a jurist with expertise in property law rather than an academic journalist to head your "blue ribbon" panel, and then cynically announced that you might ignore the panel's recommendations if you did not agree with them. ... I have no confidence that editorial independence will be assured. ... You have indefinitely marred the trust of readers in the content of the CMAJ. ... You have demonstrated unequivocally that the current leaders of the Canadian Medical Association are incapable of allowing a first-class academically credible journal to flourish, and thus that the CMA is unfit for ownership."

Strong language, yes, but I defend the vehemence of these allegations. They were provoked by the CMA's unethical and unprofessional actions, which began with the firing of two superb editors, continued with the CMA's disingenuous efforts to offset the effects of the scandal, and were followed later with the association's farcical violation of its own published standards for an appointed review committee.

In this, as in other highly public dismissals, motivation takes centre stage. Here was a widely respected journal that under the former editorship had steadily improved its readership and standing among the world's biomedical journals. Dissatisfaction with CMA's explanation that it was "time for a change" was nearly universal, and various causal hypotheses have been proposed. Unfortunately, as noted, the leaders of the CMA have chosen to say no more and they have intimidated the former editors sufficiently that they have been unwilling to speak out about the circumstances of any disagreements.

The simplest, and perhaps the most plausible explanation is that the editors had incurred the wrath of the CMA for publishing material that embarrassed the CMA or in some way was contrary to the CMA's best interests. From a causal standpoint, the proximity of two intended news stories in the journal (one on privacy violations by Canadian pharmacists; the other on the new Canadian health minister's propensity toward further privatisation of health care) to the firing seemed a rational explanation. The subsequent outcry, which focused narrowly on this suspected causal connection, became a rallying point for thousands of physicians who suspected that the journal's editorial autonomy had been breached: not once, but twice.

I intend to examine only one hypothesis, namely that political issues were the proximate cause of the editors' firing. Actions by medical societies are reflections of their members; for this reason, medical societies must be called to task for behaviour that violates professional ethics.

### A BRIEF RECOUNTING OF THE EVENTS

The first event that was generally thought to precipitate the firing was the preparation of an investigative news story on access to emergency contraception. In researching the article, CMAJ's news team had commissioned 13 women—one in each territory and province—to request the "morning after pill" from pharmacists in their city or town and report back on their experiences. The survey disclosed that in several instances, the women were asked personal questions. Such questions were in keeping with practice guidelines of the Canadian Pharmacists Association, but seemed dubious in view of provincial privacy legislation and of professional standards of patient privacy. When the Pharmacists Association was approached by a staff reporter for comment, the Association complained to Graham Morris, the CMA

executive about the investigation. Under pressure from the publisher, the editors deleted the survey entirely and modified the accompanying story to make it less critical of the pharmacists.<sup>1</sup> Morris claimed that the survey constituted a scientific inquiry, and thus did not meet standards for informed consent. Nonetheless, he had little expertise in such issues. He had been a former consumer magazine publisher<sup>2</sup> and was hired as publisher of the CMAJ in 2005, when the journal was sold to a CMA holding company, CMA Media, as a for-profit enterprise.

The editors had a mechanism for dealing with such controversies. The inaugural meeting of a journal oversight committee (JOC) had been held more than a year before Morris was hired, but the CMA was overly represented on the committee, and it had met infrequently. Even during its short tenure, the JOC had been lukewarm in addressing any issues involving editorial independence. Specifically, it had failed to act on a proposal on editorial independence put forth earlier by the editors. Because of these attitudes of the JOC, the editors were sceptical that they would get a fair hearing and did not consult the JOC about the disagreement. To insure that some part of the story got out, the editors agreed to delete the survey and modify the accompanying article to make it less critical of the pharmacists. (Ironically, after the editors had been fired, the CMAJ was short-listed for the prestigious Michener Prize for meritorious public-service journalism for the morning after pill report. And early in May, both Hoey and Todkill received the 2006 Press Freedom Award of the National Press Club of Canada.)

Given the infringement on the editors' ability to publish the survey and report on it as they saw fit, John Hoey appointed a committee of the editorial board to examine the issue of editorial independence. The committee began its work, but while it was preparing its report, another infringement on the journal's editorial autonomy occurred, this time one even more flagrant than the first. The editors had prepared a story, again for its news section, about Tony Clement, the new Canadian health minister. Among other commentary, the story elaborated on some of Mr. Clement's interest in privatisation of health care when he was the health minister of Ontario. (John Hoey was out of the country and out of contact at the time.) Apparently, this article ran counter to the CMA's diplomatic interests. The report was initially published on the CMAJ web site, but a week later it was deleted, and was subsequently

replaced online and in print by a shorter, less critical version.<sup>3</sup> The person or persons behind these changes have not been revealed.

On February 18 John Hoey returned and two days later he and Anne Marie Todkill were fired. As noted before, the only explanation given consisted of a "need for change." By this time, the report of the editorial board committee had been completed and was accepted for publication by Steven Choi, one of the few remaining editors. The report mildly criticised the editors for complying with Mr. Morris' heavy-handed insinuation into journal practices, but criticised Mr Morris and the CMA even more severely. It faulted Morris for firing the editors without approval of the JOC or CMA Board. It faults the CMA for infringing on editorial independence, for failing to provide a legitimate rationale for the dismissals, for threatening the editors to keep silent about differences between the editors and the publisher, and for failing to establish an effectively functioning journal oversight committee.<sup>3</sup>

Members of the editorial board and thousands of other physicians were outraged at the sudden firing and the lack of a convincing explanation.<sup>4</sup> The board demanded the reinstatement of the two dismissed editors and the removal of Mr Morris from all editorial activities. The board demanded assurances that the editors would enjoy compete autonomy in the future. When Dr Steven Choi, then the interim editor, was unable to get assurances from the CMA that "editorial independence of the editor-in-chief [would] be absolutely protected and respected," he too resigned, as did Dr. Sally Murray, the journal's editorial fellow. The CMA answered none of the editorial board's entreaties, but instead hired different interim editors, reconstituted the JOC (mainly with CMA members), hired a public relations firm to deal with the fall-out, denied that these events represented a scandal, ignored public sentiment to reinstate the editors, and tried to sanitize their mistakes.

In response to widespread criticism, the CMA formed a "Governance review panel" and convinced Antonio Lamer, former chief justice of the country's Supreme Court, to serve as chair. In a published statement, the CMA gave Lamer full authority to recruit other panel members. Appreciating that the panel needed specific editorial expertise, Lamer and his vice chair, John Dosseter offered positions to Gordon Guyatt, Amir Attaran and Philip Devereaux, even though each of them had been openly critical of the CMA's decision to fire the editors. In a near recreation of a Keystone Kops farce,

the CMA went on to embarrass itself further. Shortly after these physicians had agreed to serve on the panel, they were disinvited; the CMA had objected to their appointments. Within days some had been reinvited, but then refused to serve on the panel. Shortly thereafter, Justice Lamer also resigned from the panel, citing health reasons. Doug Pound, a colleague for Lamer's law firm, an expert on Olympic drug doping, took his place.

An editorial on the CMAJ website, signed and approved by the new interim editors and several new editorial board members, provides insight into how muddled their thinking is about editorial independence.<sup>5</sup> It posits several questions:

"To whom, for what, and how should the editor be held accountable?"

"... how should CMAJ's mission be established and maintained over time?"

"What are the respective roles of the editor, the CMA and the publisher in defining the mission?"

"... should members [of the CMA] have a role in defining the journal's mission?"

"Should limits exist on editorial independence relating to editorial perspectives, agendas, biases, and interests?"

"... is it more appropriate to hold the editor accountable to the CMA or the public?"

"... how can the need for both editorial independence and accountability be balanced?"

By definition, independence is unencumbered, not conditional. The above questions, though Socratic in their published format, imply an acceptance of *editorial dependence*. Such dependence, if implemented as part of the CMAJ's future policies, threatens to restrict editorial opinions as well as decision-making in the selection of authors, topics, and even scientific manuscripts. Although there may be no universal agreement on what constitutes editorial independence, the concept is not an abstraction devoid of meaning, as some claim,<sup>6</sup> but is as real as earth and water.

## PRINCIPLES

Medical journals, like the scholarly exchanges characteristic of academia, must be considered a public good. Whether journals are owned by industry or by medical societies, they share a tight bond with the academy. Their editors are recruited from academia, their content is

derived from the research and opinions of physicians at academic institutions, academic physicians evaluate such work, and academic institutions assess their faculty based on where their papers are published. Given this closeness, journals are expected to abide by the same basic ethical precepts as academia. Editorial autonomy in journals is the counterpart of free expression in academia. Published, complete explanations in cases of errors, misconduct, or fraud in journals is one of the counterparts of openness of science in academia. The best journals pride themselves on their adherence to these standards.

## INTERPRETATION

No matter how much the leadership of the CMA professes their allegiance to editorial independence, and no matter whether the CMA cites “irreconcilable differences” as an explanation for the editors’ firing,<sup>7</sup> the temporal association between the publication and forced modification of two politically embarrassing stories and the firing of the editors constitutes strong evidence that the editors’ firing was motivated by political expediency. In both instances, management overrode editorial decisions.

What makes editorial independence so important? What responsibility does a journal’s owner have in maintaining an editor’s autonomy, and what happens when the wall between the owner and the editor is breached?

Medical journal editors must aspire to impartiality, open-mindedness, and intellectual integrity. They must make every effort to select material for its merit, interest to readers, and originality. They must give no favours to friends or powerful interests. Trust in the integrity of a journal (or any publication) depends largely on an appreciation by readers that the editor is not compromised by commercial or political motives or by a management that insists on interpolating itself into the process of choosing or changing journal content.<sup>3,8</sup> Vesting cover-to-cover control of a journal in an editor or group of editors requires trust that the editors will make sound and evenhanded decisions, will be open to many points of view, and will not select or reject material for publication on any basis other than merit—not for business or political reasons. To preserve trust, an editor must not be beholden to any special-interest group and must be free to cover controversial subjects even if they involve the medical organisation that owns and runs the journal.<sup>9</sup>

If editors are truly independent, they will from time to time publish material that embarrasses the journal’s owners, offends advertisers, and even enrage

some members of the organisation that owns the journal. An editor can be intimidated by a journal’s owner to avoid controversy, to publish only material that is consistent with a society’s preformed policies, and to avoid anything that is not straight science. Any editor worth his salt would avoid being intimidated by such policies. Because editorial positions are so valued, however, some potential candidates may well be willing to compromise; to agree to avoid certain subjects or omit a news section; to publish relevant advertisements next to articles that mention a particular product. When these agreements are made behind closed doors, it is difficult for readers to know that integrity has been compromised.

Vesting complete independence in an editor requires tolerant journal owners who believe unequivocally and irrevocably that complete editorial freedom is the only way to maintain integrity and command respect. Many journal owners have taken this hands-off approach, and in general, their journals are the ones that are trusted the most; they have the best reputations, the highest impact factors, and the ones to which the best science and commentary is submitted. The quotes from the recent CMAJ editorial, given before, strongly suggest that the CMA does not believe in editorial independence, but rather believes in editorial constraints within a framework predefined by the organisation. Such a construct is not editorial independence; as noted before, it is editorial dependence.

No editor has lifetime tenure. Medical editors must be accountable in terms of competence and overall judgment. They should have a specific contract length, and explicit criteria should exist about expectations. Then, if their performance is considered by an organisation to be substandard, the contract should not be renewed. Editors should not be fired for embarrassing or disagreeing with the leadership of the journal’s parent organisation.

All organisations operate on the basis of trust, and journals are no exception. Trust is also one of the fundamental constructs underlying editorial independence. Authors must be able to trust that the editor is fair, and readers must be able to trust that editorial decisions are not being driven by ideology. But it is not the publisher’s role to make these distinctions, as the questions reproduced above suggest. A distinction should be made here between fairness in editorial decision-making and the notion of providing balance between competing views. Editors often publish both sides of an argument, yet they are not obligated to do so. Often one side of a controversial issue is well argued, and the other side is not;

in such cases (in my opinion), an editor has no responsibility to publish the poorly reasoned or written opinion.

Once editorial independence is breached, trust is quickly damaged or even lost. Trust can suffer from some mistake as modest as the publication of a ghost-written article or as serious as management’s intrusion into the editorial process. Once lost, trust is difficult to regain, and can take years of faithful, reliable, independent publishing.

In the case of the firing of Hoey and Todkill, no explanation has been forthcoming. The editors have not yet given their version of the events that led to their dismissal, presumably perceiving substantial legal risk.

Viewed through an academic lens, the abrogation of editorial independence and the firing of respected medical editors violate academic freedom; the failure to explain the CMA’s actions violates the precept of openness. Denying that the editors were fired was untruthful, keeping the actual rationale for their firing secret put the editors under a cloud of suspicion; professing a firm belief in editorial independence is disingenuous, given that the CMA overtly interfered with the process.

Given the silence on both sides regarding the motivation for the editors’ firing, the notion that embarrassment of the CME by news stories was the sole cause of the dismissals remains only a hypothesis. Journals can generate considerable revenues from subscriptions, classified and display advertising, and sales of reprints. One or two major articles about a new drug can be the rationale not only for a company to pay for a several-page pharmaceutical ad but to order hundreds of thousands of reprints. The CMA had announced that it intended to make the CMAJ profitable, and its hiring of Mr Morris was likely motivated by his business experience. Were financial issues at play here? We just do not know; perhaps someday evidence of some alternate hypotheses will emerge.

Only time will tell whether the CMA will grant a new editor total freedom to mould the CMAJ in a completely independent way, whether they will try to intimidate a new editor into publishing material that is good for their reputation and bottom line, or whether they will hire a patsy to do their bidding. Many are sceptical that the CMA will leave the editors alone. The world will be watching the process by which a new editor is hired. If the review committee fails to define editorial independence as a truly autonomous activity and if the editor’s search committee does not consist of a diverse group of independent-minded citizens, but is overwhelmed by CMA

loyalists, we shall know how to interpret the CMA's motives.

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